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## Land of the Free, Home of the Slave: Human Trafficking Legislation in South Carolina

Caroline A. Ross

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**LAND OF THE FREE, HOME OF THE SLAVE:**

**HUMAN TRAFFICKING LEGISLATION IN SOUTH CAROLINA**

Caroline A. Ross \*

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I. INTRODUCTION

Human trafficking, which is commonly known as modern day slavery,<sup>1</sup> includes a wide range of human rights violations.<sup>2</sup> Human trafficking has

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been defined by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons as:

Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>3</sup>

Victims of human trafficking are exploited in several different ways, including forced labor, sex trafficking, and kidnapping in order to harvest victims' organs.<sup>4</sup>

Internationally, human trafficking has become one of the world's most pressing issues.<sup>5</sup> Human trafficking is the third largest crime in the world, behind only the illegal drug and firearm trades, and it is the world's fastest growing crime.<sup>6</sup> Human trafficking may be the world's fastest growing

1. See, e.g., Nikolaj Nielsen, *Human Trafficking is 'Modern Day Slavery'*, EUOBSERVER (Feb. 19, 2013), <https://euobserver.com/justice/119118>; *Human Trafficking*, POLARIS, <https://polarisproject.org/human-trafficking> (last visited Apr. 1, 2017).

2. *Human Trafficking*, U.N. OFFICE ON DRUGS & CRIME, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (last visited Feb. 11, 2017).

3. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 3, Nov. 15, 2000, 2237 U.N.T.S. 319 [hereinafter Protocol to Prevent].

4. See *Human Trafficking*, *supra* note 2.

5. See, e.g., Robbie Couch, *Human Trafficking is Still the World's Fastest-Growing Crime Despite Increased Awareness*, HUFFINGTON POST (Jan. 1, 2015), [http://www.huffingtonpost.com/2015/01/07/human-trafficking-increasing\\_n\\_6425864.html](http://www.huffingtonpost.com/2015/01/07/human-trafficking-increasing_n_6425864.html) (citing *Human Trafficking*, STATE OF CAL. DEP'T OF JUSTICE OFFICE OF THE ATT'Y GEN., <http://oag.ca.gov/human-trafficking> (last visited Feb. 11, 2017)).

6. See *id.* (citing John Iwasaki, *Human Trafficking Increasing Worldwide*, SEATTLE PI, (Aug. 4, 2000), <http://www.seattlepi.com/local/article/Human-trafficking-increasing-worldwide-1281184.php>); Marie Sazehn, S.C. Assistant Att'y Gen., Address at South Carolina Against Human Trafficking Meeting (Sept. 20, 2015). See also Jon Greenberg, *Yes, Human Trafficking Ranks No. 3 in World Crime*, POLITIFACT (July 26, 2016), <http://www.politifact.com/truth-o-meter/statements/2016/jul/26/amy-klobuchar/yes-human-trafficking-ranks-3-world-crime/> (stating that human trafficking is the world's third largest crime after drug trafficking and counterfeiting).

crime because it is “high profit and low risk,”<sup>7</sup> due in part to the fact that traffickers see their victims as reusable commodities.<sup>8</sup> In other words, human trafficking victims, unlike guns or drugs, are almost always sent back to their trafficker to be used and sold again and again.<sup>9</sup>

Although no one can be absolutely certain of the number of human trafficking victims in the world, the International Labor Organization estimated in 2012 that there were 20.9 million people enslaved in our world.<sup>10</sup> It has also been estimated that each year 700,000 people are trafficked internationally and domestically.<sup>11</sup> In 2010, the United Nations estimated that an additional 70,000 victims are trafficked in Europe each year.<sup>12</sup> If Europe’s rate of additional trafficking victims is similar to the trafficking rates of other regions, then the number of human trafficking victims is rising exponentially each year. Of the total number of human trafficking victims, 11.4 million are female and 9.5 million are male.<sup>13</sup> The vast majority of victims are trafficked by private individuals rather than by states.<sup>14</sup> The United States State Department Trafficking in Persons Report estimated that in 2014 there were 10,051 criminal human trafficking cases prosecuted; this is one case per every 2,079 victims.<sup>15</sup>

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7. See Couch, *supra* note 5 (citing Iwasaki, *supra* note 6).

8. Sazehn, *supra* note 6.

9. See SOUTH CAROLINA HUMAN TRAFFICKING TASK FORCE, SOUTH CAROLINA STATE PLAN TO ADDRESS HUMAN TRAFFICKING 9 (2014) [hereinafter SOUTH CAROLINA STATE PLAN].

10. See INT’L LABOUR ORG., ILO GLOBAL ESTIMATE OF FORCED LABOUR: RESULTS AND METHODOLOGY 13 (2012), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf).

11. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4 (citing Trafficking Victims Protection Act of 2000, § 102(b)(1), 22 U.S.C. § 7101 (2012 & Supp. 2015), <http://www.state.gov/documents/organization/10492.pdf>).

12. *Factsheet on Human Trafficking*, U.N. OFFICE ON DRUGS & CRIME (2010), [http://www.unodc.org/documents/human-trafficking/UNVTF\\_fs\\_HT\\_EN.pdf](http://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf).

13. *Forced Labour, Human Trafficking, and Slavery*, INT’L LABOUR ORG., <http://www.ilo.org/global/topics/forced-labour/lang-en/> [hereinafter *Forced Labour*].

14. See *id.* See also INT’L LABOUR ORG., PROFITS AND POVERTY: THE ECONOMICS OF FORCED LABOUR 1 (2014), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf) [hereinafter PROFITS AND POVERTY].

15. MARTINA VANDENBERG, HUMAN TRAFFICKING PRO BONO LEGAL CENTER & THE FREEDOM FUND, ENDING IMPUNITY, SECURING JUSTICE: USING STRATEGIC LITIGATION TO COMBAT MODERN-DAY SLAVERY AND HUMAN TRAFFICKING 3 (2015), [http://www.htprobono.org/wp-content/uploads/2015/12/FF\\_SL\\_AW02\\_WEB.pdf](http://www.htprobono.org/wp-content/uploads/2015/12/FF_SL_AW02_WEB.pdf). Of the 10,051 cases brought, there were only 4,443 convictions. U.S. DEP’T OF STATE, 2015 TRAFFICKING IN PERSONS REPORT 48 (2015), <http://www.state.gov/j/tip/rls/tiprpt/2015/>.

Although many Americans believe that human trafficking is only a foreign problem, trafficking is also an American problem.<sup>16</sup> It is estimated that “approximately 50,000 women and children are trafficked into the United States each year.”<sup>17</sup> Moreover, the International Labour Organization assesses that human trafficking is a 150.2 billion dollar a year industry, and of this 150.2 billion dollars, 46.9 billion is made by traffickers in developed countries including the United States.<sup>18</sup> The Department of Justice has determined the twenty cities with the greatest amount of human trafficking in the United States.<sup>19</sup> Eight of these twenty cities are found in the South, including Atlanta, Miami, Charlotte, Houston, El Paso, New Orleans, St. Louis, and Tampa.<sup>20</sup> The fact that almost half of the cities with the highest volume of human trafficking are in the South, suggests that the South, as a region, may be subject to human trafficking at greater levels than any other region of the United States.

Although statistics on the amount of trafficking in South Carolina specifically are currently unavailable,<sup>21</sup> South Carolina has been described as a target rich environment for human trafficking, due to its agriculture and tourism based economy.<sup>22</sup> Both of these industries are vulnerable to trafficking activity because there is little government regulation in the industries, and traffickers can save money by exploiting victims rather than hiring workers.<sup>23</sup> Victims are therefore trafficked to work in agriculture or in businesses that attract tourists, ranging from prostitution to the restaurant industry.<sup>24</sup> Additionally, South Carolina is located between Charlotte and Atlanta, which are two of the American cities with the greatest amounts of

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16. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4 (citing Trafficking Victims Protection Act, *supra* note 11).

17. *Id.*

18. See PROFITS AND POVERTY, *supra* note 14, at 13.

19. Jessica McLaughlin, *Human Trafficking: Alive in the United States*, LAW STREET MEDIA (Feb. 22, 2015), <http://lawstreetmedia.com/issues/law-and-politics/human-trafficking-alive-united-states/>.

20. *Id.*

21. See SOUTH CAROLINA STATE PLAN, *supra* note 9, at 20.

22. P.J. Randhawa, *Sex Slavery, Human Trafficking 'Alive and Well' in SC*, WISTV (Feb. 6, 2014), <http://www.wistv.com/story/24655807/sex-slavery-human-trafficking-alive-and-well-in-sc?page=1&N=F>.

23. Marisela Garcia, Dep’t of Econ. Opportunity Senior Monitor Advocate, Human Trafficking Speech at the Workforce Professional Development Academy (Dec. 5, 2013).

24. *Id.*

trafficking,<sup>25</sup> which may contribute to South Carolina's attractiveness to traffickers.

To confront the growing threat of human trafficking, South Carolina Governor Nikki Haley signed SC House Bill 3757 into law in 2012.<sup>26</sup> This law defines human trafficking as a crime, calls for reparations for victims, allows victims to bring civil suits against their traffickers, and creates the South Carolina Human Trafficking Task Force.<sup>27</sup> Although South Carolina has taken steps to combat the pressing, international issue of human trafficking through the enactment of SC House Bill 3757, the law is not perfect, so there is still more work to be done.<sup>28</sup> Most importantly, South Carolina legislators should install policies that will take preemptive action to combat trafficking, improve or create new victims' assistance laws, and include trafficking for organs in the definition of human trafficking.

Part I of this Note briefly describes the laws on human trafficking on both an international level and a domestic federal level.<sup>29</sup> Part II describes South Carolina's current human trafficking law, including its positive attributes and issues.<sup>30</sup> Finally, Part III offers recommendations for improving the existing law or creating new legislation to further combat human trafficking in South Carolina by looking to model or prototypical trafficking laws from the UN, recommendations made by the South Carolina Human Trafficking Task Force, a study of how to improve reporting of trafficking, and human trafficking laws of states who received perfect scores on their human trafficking legislation from Polaris Project.<sup>31</sup>

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25. McLaughlin, *supra* note 19.

26. See Casey Conley, *SC Attorney General: Human Trafficking Growing Problem*, STATE (Columbia, S.C.) (Aug. 6, 2013), <http://www.thestate.com/2013/08/06/2904575/sc-attorney-general-human-trafficking.html>.

27. S.C. CODE ANN. §§ 16-3-2010–16-3-2090 (2015 & Supp. 2015).

28. See Jacquelyn Swanner, *The Impact of H. 3757 on Human Trafficking*, 11 COLL. OF CHARLESTON CHRESTOMATHY 259, 274 (2012), <http://chrestomathy.cofc.edu/documents/vol11/swanner.pdf>.

29. See discussion *infra* Part I.

30. See discussion *infra* Part II.

31. See discussion *infra* Part III.

## II. HUMAN TRAFFICKING LAWS

A. *International Human Trafficking Law*

Internationally, slavery and human trafficking have been declared to offend the natural rights of human beings.<sup>32</sup> Following the devastation of World War II, the United Nations produced the Universal Declaration of Human Rights (UDHR) in 1948.<sup>33</sup> Article 4 of the UDHR states that no person “shall be held in slavery and servitude, slavery and the slave trade shall be prohibited in all of their forms.”<sup>34</sup> However, as a declaration, this document does not have the ability to force countries to comply with its guidelines and regulations.<sup>35</sup> Years later, in 1966, the prohibition on human trafficking was written into the International Covenant on Civil and Political Rights (ICCPR), which states in Article 8 that all forms of slavery and the slave trade are prohibited.<sup>36</sup> As a party to this treaty, the United States is required to follow the articles found in the ICCPR, including the prohibition against human trafficking.<sup>37</sup> The ICCPR created the Human Rights Committee (HRC), which monitors state parties’ compliance with the ICCPR.<sup>38</sup> State parties are required to submit reports to the HRC within a year of becoming a party to the ICCPR and, generally, once every four years at the Committee’s request; these reports detail the state’s compliance with the terms of the ICCPR.<sup>39</sup> The HRC reviews the state report on the state’s compliance, inter-state complaints, and individual complaints.<sup>40</sup> However, individual complaints can only be heard when they are against a state that is a party to the first optional protocol of the ICCPR.<sup>41</sup> Then, the HRC informs

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32. Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

33. *See id.*

34. *Id.*

35. Gregory J. Kerwin, *The Role of United Nations General Assembly Resolutions in Determining Principles of International Law in United States Courts*, 4 DUKE L.J. 876, 876 (1983).

36. International Covenant on Civil and Political Rights art. 8, 16 Dec. 1966, 999 U.N.T.S. 171.

37. *Id.* at art. 3.

38. *Id.* at art. 28. *See also Human Rights Committee*, U.N. HUMAN RIGHTS OFFICE OF THE HIGH COMM’R, <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIntro.aspx> (last visited Feb. 11, 2017).

39. *Human Rights Committee*, *supra* note 38.

40. *Id.*

41. *Id.*

the state party of any issues or concerns and makes recommendations on how to improve the state's compliance in what are called "concluding observations."<sup>42</sup>

In 2000, the United Nations General Assembly adopted the Organized Crime Convention, which included the Protocol to Prevent, Suppress, and Punish Trafficking in Persons.<sup>43</sup> The major success of the Protocol was that the countries involved were able to reach an agreement on the definition of trafficking,<sup>44</sup> which is the "first step toward a concerted international effort to combat trafficking."<sup>45</sup> Additionally, the Protocol created several law enforcement obligations for the parties, including criminalizing trafficking and attempted trafficking, providing law enforcement training, requiring information trading between the parties, and strengthening border control.<sup>46</sup> State parties were also obligated to create incentives to aid in alleviating "economic and social pressures" that make people, especially women and children, susceptible to trafficking, such as "poverty, underdevelopment and lack of equal opportunity."<sup>47</sup> Furthermore, state parties were to ensure that assistance was provided to victims in their trafficking law and to keep legal proceedings confidential.<sup>48</sup>

### *B. United States: Federal Human Trafficking Law*

The Trafficking Victims Protection Act of 2000 (TVPA)<sup>49</sup> was the first federal law to address trafficking on both a domestic and international level, and it aimed to strengthen the government's ability to prosecute traffickers, protect victims, and prevent trafficking.<sup>50</sup> The TVPA created the Task Force

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42. *Id.*

43. Kelly E. Hyland, *The Impact of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, HUMAN RIGHTS BRIEF 30, 31 (2001).

44. The agreed upon definition was:

"Recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Protocol to Prevent, *supra* note 3, at art. 3.

45. Hyland, *supra* note 43, at 31.

46. Protocol to Prevent, *supra* note 3. *See also* Hyland, *supra* note 43, at 31.

47. Protocol to Prevent, *supra* note 3, at art. 9. *See also* Hyland, *supra* note 43, at 31.

48. Protocol to Prevent, *supra* note 3, at art. 6. *See also* Hyland, *supra* note 43, at 31.

49. 22 U.S.C. § 7101 *et seq.* (2012).

50. *Id.* § 7101. *See also* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4.



to Monitor and Combat Trafficking to enforce the law<sup>51</sup> and the Office to Monitor and Combat Trafficking, which annually issues a globally focused Trafficking in Persons Report (TIP).<sup>52</sup> The TVPA also worked to protect victims of trafficking who are foreign nationals by establishing the T visa.<sup>53</sup> The T visa allows for “temporary immigration relief to victims who cooperate in the investigation and prosecution of a trafficking case.”<sup>54</sup>

The legislature also enacted 18 U.S.C. § 1591, which specifies that the prostitution of any minor younger than the age of 18 is deemed to be trafficking regardless of whether the minor was transferred across state or national borders.<sup>55</sup> In accordance with this criterion, it was projected in 2009 that more than 300,000 minors in the United States were at risk of being trafficked.<sup>56</sup>

In addition to statutory trafficking law, the United States also has federal case law on human trafficking. Criminal human trafficking cases in the United States have focused on sex trafficking, while civil cases have mainly

51. 22 U.S.C. § 7103 (2012 & Supp. 2015); SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4.

52. 22 U.S.C. § 7103(e) (2012 & Supp. 2015); SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4 (citing *Current Federal Laws*, POLARIS, <https://polarisproject.org/current-federal-laws> (last visited Feb. 11, 2017)).

53. 8 U.S.C. § 1101(a)(15)(T) (2012 & Supp. 2015). *See also* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4.

54. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 4.

55. Whoever knowingly—

(1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or, except where the act constituting the violation of paragraph (1) is advertising, in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b). 18 U.S.C. § 1591(a) (2012 & Supp. 2015).

56. *See* William Adams, et al., *Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, JUV. JUST. BULL., July 2010, at 1, 1.

been forced labor.<sup>57</sup> These cases demonstrate the willingness of the United States courts to punish those who are involved in human trafficking,<sup>58</sup> and the courts' view that human trafficking is a "particularly depraved act."<sup>59</sup>

In *United States v. Cortes-Meza*,<sup>60</sup> the defendants' respective convictions for commercial sex trafficking and sex trafficking of a child were affirmed.<sup>61</sup> The defendants, who were based in Atlanta, Georgia, had been engaged in a nationwide sex trafficking scheme.<sup>62</sup> Immigration and Customs Enforcement (ICE) agents found at least ten trafficking victims, who had been lured from their homes in Mexico to the United States by the defendants' promises of jobs, love, marriage, or "a better life."<sup>63</sup> Once the girls arrived in the United States, they were forced by the defendants to become prostitutes in order to pay off the "debt" supposedly owed their traffickers for bringing them to the United States.<sup>64</sup> The girls were sold to several clients each night for twenty-five dollars per fifteen-minute period.<sup>65</sup> To force the girls to stay, the defendants isolated, physically and mentally abused, threatened, and lied to the girls.<sup>66</sup> One defendant was sentenced to 240 months in prison, and the other defendant was sentenced to 200 months in prison.<sup>67</sup>

In *Lagasan v. Al-Ghasei*,<sup>68</sup> the plaintiff, a twenty-seven year old Filipina woman, was trafficked into the United States and then put into forced domestic labor.<sup>69</sup> The plaintiff was a domestic servant working in different countries to send money back to her husband and daughter.<sup>70</sup> Plaintiff was

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57. See, e.g., *United States v. Cortes-Meza*, Nos. 10-11681, 10-12052, 2011 WL 292251 (11th Cir. Feb. 1, 2011) (providing an example of a human trafficking criminal case involving sex trafficking); *Lagasan v. Al-Ghasel*, No. 1:14-cv-1035 (AJT/TCB), 2015 WL 1236438 (E.D. Va. Mar. 12, 2015) (providing an example of a civil human trafficking case brought by the trafficking victim, who was put into forced labor as a domestic worker).

58. See, e.g., *Cortes-Meza*, 2011 WL 292251, at \*1; *Lagasan*, 2015 WL 1236438, at \*1.

59. *Lagasan*, 2015 WL 1236438, at \*10.

60. *Cortes-Meza*, 2011 WL 292251.

61. *Id.* at \*1.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. *Lagasan*, 2015 WL 1236438.

69. *Id.* at \*1.

70. *Id.*

sent to work in Pittsburgh, Pennsylvania, for the defendants.<sup>71</sup> Upon her arrival, Plaintiff was subjected to inhumane working conditions, including working eighteen hours a day with no breaks, working seven days a week, verbal abuse, and not being allowed to seek medical or dental care.<sup>72</sup> Furthermore, Plaintiff was only paid 200 dollars a month.<sup>73</sup> Plaintiff was also not allowed to leave her employer's home or speak to anyone.<sup>74</sup> Plaintiff was only freed after meeting her employer's children's tutor, who recognized the plaintiff's circumstances as signs of trafficking and contacted the National Trafficking Resource Center.<sup>75</sup> Plaintiff brought civil claims under the TVPA and was awarded \$749,351 in damages.<sup>76</sup>

Despite the fact that criminal human trafficking cases are being brought, there are two critical issues with federal prosecutions of human trafficking. One is that the vast majority of federal criminal cases brought feature victims who were sex trafficked.<sup>77</sup> While these cases are extremely important and should absolutely be brought, the fact that they are brought at such a higher rate than those cases with forced labor victims is troubling. Forced labor victims make up 16.4 million of the 20.9 million estimated victims of human trafficking, around seventy-eight to seventy-nine percent, while sex trafficking victims make up 4.5 million of the 20.9 million estimated victims, around twenty-one to twenty-two percent.<sup>78</sup> This means that statistically there should be more cases where the victim has been trafficked into forced labor than cases with sex trafficking victims.

The second issue still facing federal criminal prosecutions of human trafficking is restitution to the victims.<sup>79</sup> Although federal law requires mandatory restitution for victims of trafficking under 18 U.S.C. § 1593, restitution is all too often not ordered for the victims, making restitution “the exception, not the rule.”<sup>80</sup> One study found that out of 170 sex trafficking cases in the years 2009-2012, restitution was not ordered for the victims 118

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71. *Id.* at \*2.

72. *Id.* at \*1, \*4.

73. *Id.* at \*2.

74. *Id.* at \*4.

75. *Id.* at \*5.

76. *Id.* at \*2, \*11.

77. VANDENBERG, *supra* note 15, at 4 (stating that only “18 of the 208 [United States] federal indictments in human trafficking cases in 2014 alleged forced labor”).

78. *Forced Labour*, *supra* note 13.

79. ALEXANDRA F. LEVY, ET AL., THE HUMAN TRAFFICKING PRO BONO LEGAL CENTER, WHEN “MANDATORY” DOES NOT MEAN MANDATORY: FAILURE TO ORDER CRIMINAL RESTITUTION IN FEDERAL PROSECUTION OF HUMAN TRAFFICKING IN THE UNITED STATES 3 (2014).

80. *Id.* at 1 (citing 18 U.S.C. § 1593 (2012)).

times.<sup>81</sup> One of the reasons that restitution is not ordered is because prosecutors, for various reasons, do not ask for restitution.<sup>82</sup> Of the 118 sex trafficking cases where restitution was not granted, prosecutors did not ask for restitution in sixty-six cases.<sup>83</sup> Restitution should always be ordered in criminal human trafficking cases as it ensures that not only is the trafficker punished, but also that the victim is compensated and protected.<sup>84</sup>

### III. SOUTH CAROLINA AND HUMAN TRAFFICKING

#### *A. Human Trafficking Cases Affecting South Carolina*

South Carolina's first human trafficking case was in 2007, years before Governor Nikki Haley signed House Bill 3757 into law.<sup>85</sup> The victim was a fourteen-year old girl called AR by the court for her safety.<sup>86</sup> Agent Burkhardt of Immigration and Custom Enforcement (ICE) received a phone call from Mexican authorities in February 2007 about AR's probable location in a trailer on the outskirts of Columbia, South Carolina.<sup>87</sup> Burkhardt, with the help of Richland County police officers, was able to rescue AR from her traffickers on February 27, 2007.<sup>88</sup> Although it took several days, AR eventually trusted the officers enough to inform them that she was smuggled into the United States from Mexico in 2006 and was first trafficked in Charlotte, North Carolina.<sup>89</sup> In Charlotte, she and a number of other girls were forced into sex trafficking or prostitution by Jesus Perez-Laguna.<sup>90</sup> Perez-Laguna traded AR to Guadalupe Reyes-Rivera in Columbia, South Carolina.<sup>91</sup> Reyes-Rivera and a third trafficker named Ciro Bustos-Rosales sold AR to dozens of men daily during her captivity in Columbia.<sup>92</sup> AR's

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81. *Id.* at 9.

82. *Id.* at 14.

83. *Id.* at 9.

84. *See id.* at 16.

85. *See* Jody Barr, *14-Year-Old Girl Was State's First Human Trafficking Case*, WISTV (Mar. 1, 2010), <http://www.wistv.com/story/12066724/14-year-old-girl-was-states-first-human-trafficking-case>.

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.*

trial was prosecuted by US Attorney Reggie Lloyd, and both Perez-Laguna and Bustos-Rosales pled guilty.<sup>93</sup>

From the passing of South Carolina's new human trafficking legislation in 2012 up until 2015, only one human trafficking case was brought in South Carolina state court system.<sup>94</sup> Additionally during this time period, there were several federal cases where arrests were made outside of South Carolina, but South Carolina citizens were the victims or traffickers, or the trafficking occurred in South Carolina borders.<sup>95</sup>

In October 2015, South Carolina Assistant Attorneys General Marie Sazehn and Kinli Abee prosecuted and received convictions in the first human trafficking case brought under the new human trafficking law.<sup>96</sup> The victim in the case was a single mother of a two-year-old son, who moved in

93. *Id.*

94. Dave Munday, *Couple that Forced Woman to Have Sex with 30 Men a Day are First Conviction Under S.C. Human Trafficking Law*, POST AND COURIER (Charleston, S.C.) (Oct. 14, 2015), <http://www.postandcourier.com/article/20151014/PC16/151019618/couple-forced-woman-to-have-sex-with-30-men-a-day-prosecutors-say>.

95. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 15. A South Carolina man was arrested in June 2013 for sex trafficking in North Carolina, where he tried to sell a victim to an undercover officer. *Id.* (citing *SC Man Arrested on Prostitution and Trafficking Charges*, DISPATCH (Davidson Cty.) (June 14, 2013), <http://www.the-dispatch.com/article/20130614/news/306149972>). In July 2013, FBI Operation Cross Country VII freed three South Carolina minors from an Alabama sex trafficking ring. *Id.* (citing Mary Bullard, *Police: 3 SC Girls Rescued from Prostitution Ring*, FOX CAROLINA (July 31, 2013), <http://www.foxcarolina.com/story/22984881/police-3-sc-girls-rescued-from-prostitution-ring>). In September 2013, Joaquin Mendez-Hernandez pled guilty to sex trafficking for his participation in a multistate trafficking ring, which included South Carolina. *Id.* (citing Press Release, Fed. Bureau of Investigation, *Leader of International Sex Trafficking Organization Pleads Guilty* (Sept. 25, 2013)) [hereinafter *Leader of International*]). The victims were women lured in from Mexico, and the victims were sexually exploited and sold to clients 30 to 50 times a day. *Id.* (citing *Leader of International*, *supra* note 95). The women were forced to remain in trafficking by physical abuse and threats made against their children. *Id.* (citing *Leader of International*, *supra* note 95).

It should be noted that it may be difficult to find cases that deal with human trafficking. A large proportion of cases may be sealed due to the age of the victim. *See* 18 U.S.C. § 3509(d) (2012). Other cases that deal with trafficking have been prosecuted under other charges, such as kidnapping or prostitution. *See* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 45 (citing AMY FARRELL, ET AL., *IDENTIFYING CHALLENGES TO IMPROVE THE INVESTIGATION AND PROSECUTION OF STATE AND LOCAL HUMAN TRAFFICKING CASES*, 155–68 (2012), <http://www.ncjrs.gov/pdffiles1/nij/grants/238795.pdf>).

96. Munday, *supra* note 94.

with her traffickers after they offered her a job at a flea market.<sup>97</sup> The traffickers then told the victim that there was no flea market job and that she would pay her rent by prostituting herself or they would kill her son.<sup>98</sup> The victim was forced to have sex with up to thirty men per day for four months before she escaped with her son.<sup>99</sup> Each of the victim's traffickers pled guilty to the offense<sup>100</sup> and were sentenced to twelve years in prison.<sup>101</sup>

Since 2016, the number of human trafficking cases in South Carolina has seen an exponential increase.<sup>102</sup> Fifty human trafficking cases were brought and closed in South Carolina state courts in 2016, and thirty-six of these cases involved minor victims.<sup>103</sup> Several cases are now pending in South Carolina state courts, twenty-eight, and federal courts in South Carolina, twelve.<sup>104</sup>

### *B. South Carolina Human Trafficking Legislation*

On December 15, 2012, South Carolina's new trafficking law became effective.<sup>105</sup> At this time, South Carolina moved from a tier four state to a tier one state under the state rankings from Polaris Project.<sup>106</sup> The rankings are based on the ten categories of laws that have been deemed "critical to a

97. *Id.*

98. *Id.*

99. *Id.*

100. Email from Marie Sazehn, S.C. Att'y Gen., (Nov. 10, 2015, 8:51 PM).

101. Munday, *supra* note 94.

102. See SOUTH CAROLINA HUMAN TRAFFICKING TASK FORCE, SOUTH CAROLINA HUMAN TRAFFICKING TASK FORCE 2016 ANNUAL REPORT 5 (2016) [hereinafter 2016 ANNUAL REPORT]. See, e.g., Kim Kimzey, *Spartanburg Teen Pleads Guilty to Human Trafficking*, LIVE 5 NEWS (Jan. 13, 2016), <http://www.live5news.com/story/30958931/spartanburg-teen-pleads-guilty-to-human-trafficking>; Roshanda Pratt, *Columbia Man to Serve 15 Years in Prison in Human Trafficking Case*, WLTX (Jan. 15, 2016), <http://www.wltx.com/story/news/2016/01/15/columbia-man-serve-15-years-prison-human-trafficking-case/78836640/>.

103. 2016 ANNUAL REPORT, *supra* note 102, at 5.

104. *Id.*

105. S.C. CODE ANN. §§ 16-3-2010 et seq. (2015 & Supp. 2015). See also SOUTH CAROLINA STATE PLAN, *supra* note 9, at 5.

106. POLARIS, SOUTH CAROLINA STATE REPORT: STATE RATINGS 2014 1 (2014) [hereinafter POLARIS, SOUTH CAROLINA REPORT]. See also Sazehn, *supra* note 6. Polaris is a non-governmental organization and a leader in the push to eradicate human trafficking in our world. *What We Do*, POLARIS, <http://www.polarisproject.org/what-we-do> (last visited Apr. 20, 2017). Ranking states' trafficking laws is only one of the projects that Polaris does. *Id.* For example, it also runs the National Human Trafficking Resource Center, a 24-hour hotline for human trafficking in the United States. *Id.*

basic legal framework to address human trafficking.”<sup>107</sup> These categories include sex trafficking; labor trafficking; investigative tools; asset forfeiture; training of law enforcement; human trafficking task force; no requirement for the government to prove force, fraud, or coercion in the case of minor victims of sex trafficking; posting of a hotline; safe harbor for minors; victim assistance; civil remedy; and vacating victim’s convictions.<sup>108</sup> If a state earns seven points or more it achieves a tier one ranking.<sup>109</sup> According to the latest Polaris Project Report, South Carolina has nine points out of a possible twelve.<sup>110</sup>

South Carolina’s human trafficking law received nine points for several reasons. First, the legislation includes both sex trafficking and labor trafficking by defining trafficking to be committed by a defendant who “recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking [or] forced labor or services.”<sup>111</sup> The law is also broad because it punishes traffickers, conspirators, and any other person who is somehow involved in trafficking as principals.<sup>112</sup> Essentially, the law punishes any person who receives benefits from participating in the trafficking of a person.<sup>113</sup> This benefit can be monetary or can be “receiving anything of value.”<sup>114</sup> “Anything of value” is a very subjective standard and may refer to money, paying the bills of a trafficker, giving an item to the trafficker, agreeing to forgive the debt of a trafficker, and much more.<sup>115</sup> If the trafficker receives anything that could be construed as valuable, there is a good chance that this element would be met.<sup>116</sup>

107. POLARIS, 2014 STATE RATINGS ON HUMAN TRAFFICKING LAWS 3 (2014), <https://polarisproject.org/sites/default/files/2014-State-Ratings.pdf> [hereinafter POLARIS, 2014 STATE RATINGS].

108. *Id.*

109. *Id.*

110. POLARIS, SOUTH CAROLINA REPORT, *supra* note 106, at 1.

111. S.C. CODE ANN. § 16-3-2020(A) (2015 & Supp. 2016).

112. § 16-3-2020(A), (B), (G), (H). *See also* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 5.

113. § 16-3-2020(A), (B), (G), (H).

114. § 16-3-2020(A). It is possible that South Carolina legislators found the subjective standard of “anything of value” language in 18 U.S.C. § 1591, which contains the exact same language. 18 U.S.C. § 1591(a)(2) (2012). Additionally, there are other states, whose human trafficking legislation includes this same language. *E.g.* WASH. REV. CODE ANN. § 9A.40.100(1)(a)(ii) (West 2014).

115. Sazehn, *supra* note 6.

116. *Id.*

The law also provides for “mandatory restitution” for the victims or for the family of a victim in the case of a victims’ death.<sup>117</sup> It also allows victims the opportunity to bring a civil suit for damages against their traffickers, if the case is brought within three years after the defendant’s release from prison following a criminal conviction.<sup>118</sup> The law also requires the creation of a Human Trafficking Task Force, which would include several agencies and create a plan to deal with the issue of human trafficking in South Carolina within 18 months of the law being passed.<sup>119</sup> The agencies of the task force include, but are not limited to, the Attorney General’s office, South Carolina Department of Labor, Licensing and Regulation, South Carolina Police Chief’s Association, South Carolina State Law Enforcement Division, and South Carolina Department of Social Services.<sup>120</sup> Mandatory training for law enforcement is included in the Human Trafficking Task Force’s list of possible activities.<sup>121</sup>

The law also has a section dealing with asset forfeiture of all property or money used to violate the human trafficking law, intended to be used to violate the law, or received due to the violation of the trafficking law.<sup>122</sup> Unlike adult victims, minor victims can be sex trafficked under the law without the trafficker using force, fraud, or coercion.<sup>123</sup> Finally, the human trafficking law also establishes a human trafficking hotline number.<sup>124</sup>

In March 2015, the South Carolina Legislature passed a bill allowing the state grand jury to investigate and indict sex trafficking suspects.<sup>125</sup> This ability is important because sex traffickers often move across jurisdictions in their work, and single law enforcement agencies have a hard time gaining

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117. S.C. CODE ANN. § 16-3-2040(A), (B) (2015).

118. S.C. CODE ANN. § 16-3-2060(A), (B) (2015).

119. S.C. CODE ANN. § 16-3-2050 (2015 & Supp. 2016). *See also* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 5.

120. S.C. CODE ANN. § 16-3-2050(B) (2015 & Supp. 2016). *See also* SOUTH CAROLINA STATE PLAN, *supra* note 9, at 2.

121. S.C. CODE ANN. § 16-3-2050(E)(7) (2015).

122. S.C. CODE ANN. § 16-3-2090 (2015).

123. S.C. CODE ANN. § 16-3-2010(7) (Supp. 2016).

124. S.C. CODE ANN. § 16-3-2050(E)(9)(e) (2015). *See also* POLARIS, SOUTH CAROLINA REPORT, *supra* note 106, at 6.

125. S.C. CODE ANN. § 14-7-1630(A)(13) (Supp. 2016). *See also* Dave Munday & Melissa Boughton, *Prosecutors to Soon Have More Investigative Abilities in Human Trafficking Cases*, POST AND COURIER (Charleston, S.C.) (Mar. 31, 2015), <http://www.postandcourier.com/article/20150331/PC16/150339885/1177> [hereinafter *Investigative Abilities*].



enough evidence to indict.<sup>126</sup> Use of a state grand jury will allow for cooperation between agencies in different jurisdictions, and allow officials to investigate and follow traffickers across jurisdictions.<sup>127</sup> South Carolina Attorney General Alan Wilson believes that the passage of this bill gives South Carolina “a much better chance of bringing [traffickers] to justice.”<sup>128</sup>

The South Carolina human trafficking law satisfied seven of the ten categories of law in the Polaris Project ranking categories.<sup>129</sup> However, South Carolina’s law did not receive a perfect score because it lacked a safe harbor law for minors,<sup>130</sup> a way for vacating convictions of victims, and investigative tools.<sup>131</sup> South Carolina’s tier one ranking shows that South Carolina has made great progress in its anti-trafficking laws, but the state’s laws remain far from perfect and there is much work to still be done.

#### IV. RECOMMENDATIONS FOR THE FUTURE

The South Carolina human trafficking legislation can be improved in a variety of ways from broadening or strengthening the existing legislation to creating new provisions. First, South Carolina should include organ harvesting in its law, alongside sex trafficking and forced labor. Next, the legislation should expand South Carolina’s current minimal safe harbor provision to include both minor and adult victims of any form of human trafficking. South Carolina should then look to improve upon the already existing victim’s assistance laws. South Carolina law should also include the recommendations of the Human Trafficking Task Force about training requirements for judges, officials, and police officers and prosecutors, who will confront the difficulties involved with human trafficking cases in the course of their work.<sup>132</sup> Particularly, this mandatory training should include training on identifying human trafficking cases based off police reports, which will help track human trafficking in South Carolina. Finally, and perhaps most importantly, South Carolina legislation should be changed to include more preemptive and preventative approaches to trafficking rather

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126. *Investigative Abilities*, *supra* note 125.

127. *Id.*

128. *Id.*

129. POLARIS, SOUTH CAROLINA REPORT, *supra* note 106, at 1.

130. Effective December 2015, South Carolina’s legislation now includes a safe harbor provision for minors. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016). This revision came after the Polaris Project Ranking in 2014.

131. POLARIS, SOUTH CAROLINA REPORT, *supra* note 106, at 3, 6, 8.

132. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 44–45.

than focusing only on measures to help after victims have already been affected.

*A. Inclusion of Organ Harvesting in the South Carolina Human Trafficking Law*

International law states that taking a person for the purpose of removing their organs is a form of human trafficking.<sup>133</sup> Trafficking in organs can be done in three different ways, including tricking a victim into giving up an organ, giving treatment to a victim and removing the organs without consent or knowledge of the victim, or having a victim agree to sell their organs and then not paying the victim.<sup>134</sup> Although not as prevalent as forced labor or sex trafficking, organ harvesting is a real and growing issue, especially since science has advanced enough to make it possible for traffickers to take and sell the organs.<sup>135</sup> Traffickers also stand to make a large amount of money with kidneys selling for around 150,000 dollars apiece and hearts selling for up to one and a half million dollars.<sup>136</sup>

Although the majority of the actual organ harvesting process is done in developing countries, most organs are sold to people in the first world, including the United States.<sup>137</sup> Numbers on organ harvesting are not currently available for South Carolina. Despite the lack of statistics and numbers, it is still important that South Carolina make a preemptive move against this type of human trafficking. As mentioned earlier, organ trafficking is growing in prevalence,<sup>138</sup> and there is no way to guarantee that

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133. Protocol to Prevent, *supra* note 3, at art. 3. See also Andy Brienzo, *Trafficking for Organ Trade: The Often Overlooked Form of Human Trafficking*, HUM. TRAFFICKING CTR. BLOG (June 18, 2014), <http://humantraffickingcenter.org/posts-by-htc-associates/trafficking-organ-trade-often-overlooked-form-human-trafficking/>.

134. Brienzo, *supra* note 133 (citing *Trafficking for Organ Trade*, U.N. GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING, <http://www.ungift.org/knowledgehub/en/about/trafficking-for-organ-trade.html> (last visited Jan. 21, 2016)).

135. *Id.* (citing Nancy Scheper-Hughes, *Parts Unknown: Undercover Ethnography of the Organs-Trafficking Underworld*, 5 ETHNOGRAPHY 29, 34 (2004)).

136. *Id.* (citing Julie Bindel, *Organ Trafficking: A Deadly Trade*, TELEGRAPH (July 1, 2013), <http://www.telegraph.co.uk/news/uknews/10146338/Organ-trafficking-a-deadly-trade.html>).

137. *Id.* (citing Arndt Ginzel, et al., *Vera's Kidney, Walter's Money: Desperation, Greed and the Global Organ Trade*, SPIEGEL ONLINE INT'L (Aug. 3, 2012), <http://www.spiegel.de/international/world/the-illegal-trade-in-organ-is-fueled-by-desperation-and-growing-a-847473-2.html>).

138. *Id.* (citing Bindel, *supra* note 136).

South Carolina is not or will not be affected by it. If South Carolina legislators include this type of trafficking in the South Carolina law now, then legislators, law enforcement, government agencies, and the public have more tools to try to prevent this type of trafficking from occurring in South Carolina.

While total prevention is unlikely even with organ harvesting included in a law,<sup>139</sup> the preemptive effect of an organ harvesting law will have many benefits. For instance, it will give prosecutors a chance to become familiar with the law and comfortable with using it in a trial. It will give law enforcement the knowledge that this crime may occur within its jurisdiction and may even encourage law enforcement to look for signs that this crime has occurred. It will also give the general public awareness of the problem's existence, which could allow potential victims of organ harvesting to protect themselves by looking more carefully into their doctors, recommended treatment plans, and in to the origin of the organs they are receiving. Including organ harvesting in South Carolina's human trafficking law may also act as a deterrent to potential traffickers and purchasers in South Carolina who wish to avoid jail time. Overall, the inclusion of organ trafficking in South Carolina's human trafficking law would have many benefits and no cost.<sup>140</sup>

### *B. Extending the Current Safe Harbor Law*

As of 2014, South Carolina has been rated a tier two state for victim's assistance laws by Polaris Project.<sup>141</sup> Polaris Project includes five categories of victim protection laws that should be included in a state's trafficking legislation.<sup>142</sup> One of the categories is the inclusion of a safe harbor law.<sup>143</sup> Ultimately, safe harbor laws are meant to protect trafficking victims who are minors from being prosecuted for acts that they were forced to do while trafficked for either sex trafficking or forced labor.<sup>144</sup> For example, a safe

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139. *See id.*

140. Under U.S. federal law, the sale of organs is prohibited by the National Organ Transplant Act of 1984. 42 U.S.C. § 274e (2012). However, even at the federal level, organ harvesting is not considered human trafficking, as shown by its absence from the TVPA. *See* 22 U.S.C. §§ 7101–7113 (2012 & Supp. 2015).

141. POLARIS, 2014 STATE RATINGS, *supra* note 107.

142. *Id.*

143. *Id.*

144. POLARIS, HUMAN TRAFFICKING ISSUE BRIEF: SAFE HARBOR 1 (2015), <https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf> [hereinafter POLARIS, SAFE HARBOR]. Most states classify anyone under the age of eighteen as

harbor law would protect a minor who was sex trafficked from being tried for prostitution or a minor who was forced to sell drugs as part of his forced labor from prosecution for drug trafficking.<sup>145</sup> Therefore, safe harbor laws encourage victims to turn to authorities for help without fear of being charged.<sup>146</sup> Safe harbor laws also protect minor victims from the further trauma and harm to their future opportunities caused by a having a criminal record.<sup>147</sup> Additionally, safe harbor laws provide for services to minor victims such as medical care, mental health care, education, housing, and much more.<sup>148</sup> The services are meant to “reduce trauma and provide a path to recovery” for the victim.<sup>149</sup>

Until December 2015, the South Carolina human trafficking legislation did not include a safe harbor law for minors.<sup>150</sup> The newly amended provision states that minor victims are to receive immunity from prosecution for prostitution and human trafficking offenses, such as recruiting or enticing another person into trafficking.<sup>151</sup> Although this was a huge step in the right direction, South Carolina legislators can and should look to the safe harbor laws of those states with perfect scores on their human trafficking legislation, New Jersey,<sup>152</sup> Delaware,<sup>153</sup> and Washington,<sup>154</sup> for guidance on how to improve the current minimal safe harbor law. Similar to South Carolina, New Jersey, Delaware, and Washington all have safe harbor laws that pertain only to sex trafficking and protecting a minor victim from being charged with prostitution.<sup>155</sup> These three states, however, also have

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being a minor, but there are some states that only provide protection for children under the age of fifteen or fourteen. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*

148. *Id.*

149. *Id.*

150. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016).

151. § 16-3-2020(J).

152. *See* N.J. STAT. ANN. § 2A: 4A-21(g) (West 2012). *See also* POLARIS, NEW JERSEY STATE REPORT: STATE RATINGS 2014 1 (2014) [hereinafter POLARIS, NEW JERSEY REPORT].

153. *See* DEL. CODE ANN. tit. 11, § 787(g) (2015). *See also* POLARIS, DELAWARE STATE REPORT: STATE RATINGS 2014 1 (2014) [hereinafter POLARIS, DELAWARE REPORT].

154. *See* WASH. REV. CODE ANN. § 13.40.219 (West 2010). *See also* POLARIS, WASHINGTON STATE REPORT: STATE RATINGS 2014 1 (2014) [hereinafter POLARIS, WASHINGTON REPORT].

155. DEL. CODE ANN. tit. 11, § 787(g); N.J. STAT. ANN. § 2A:4A-21; WASH. REV. CODE ANN. § 13.40.219. *See also* POLARIS, DELAWARE STATE REPORT, *supra* note 153, at 8;

additional statutory language providing for services to the minor sex trafficking victims if services are needed and funding is available.<sup>156</sup>

New Jersey, Delaware, and Washington are a step ahead of South Carolina because they at least attempt to provide services or a referral to services as a part of their safe harbor law to protect minor victims of sex trafficking.<sup>157</sup> South Carolina should follow their lead and allow or require services to minor victims of sex trafficking in their legislation, but South Carolina should also extend the right to safe harbor to minor victims of forced labor and fulfill the full purpose of safe harbor laws. Forced labor victims are also in need of protection from prosecution for acts that they were forced to commit, and they are likely in need of the same types of services provided to victims of sex trafficking. Both victim groups have been subjected to horrific and traumatic situations, and both groups deserve help to overcome any issues caused by their trafficking.<sup>158</sup>

Additionally, South Carolina can become a true leader in anti-trafficking law within the United States by extending safe harbor to all victims of human trafficking regardless of their age. Current safe harbor laws only provide protection from prosecution and services to minor victims of trafficking.<sup>159</sup> However, the reasoning behind enacting safe harbor laws applies to all victims of human trafficking, not just minors. States should encourage all victims of trafficking to reach out for help and to trust

POLARIS, NEW JERSEY STATE REPORT, *supra* note 152, at 7–8; POLARIS, WASHINGTON STATE REPORT, *supra* note 154, at 7.

156. DEL. CODE ANN. tit. 11, § 787(m); N.J. STAT. ANN. § 2A:4A-21; WASH. REV. CODE ANN. § 13.32A.270. *See also* POLARIS, DELAWARE STATE REPORT, *supra* note 153, at 8; POLARIS, NEW JERSEY STATE REPORT, *supra* note 152, at 7–8; POLARIS, WASHINGTON STATE REPORT, *supra* note 154, at 7.

157. DEL. CODE ANN. tit. 11, § 787(m) (2015); N.J. STAT. ANN. § 2A:4A-21 (West 2012); WASH. REV. CODE ANN. § 13.32A.270 (West 2010). *See also* POLARIS, DELAWARE REPORT, *supra* note 153, at 8; POLARIS, NEW JERSEY REPORT, *supra* note 152, at 7–8; POLARIS, WASHINGTON REPORT, *supra* note 154, at 7.

158. Although no state seems to have adopted safe harbor for forced labor victims, Polaris has stated that a growing number of states are including “non-commercial sex, non-violent crimes” in their adaptations of safe harbor laws. POLARIS, SAFE HARBOR, *supra* note 144.

159. *Id.* Michigan has started to head in this direction by extending safe harbor to adult trafficking victims by offering a deferral process that protects the victims from prostitution convictions. MICH. COMP. LAWS ANN. § 750.451c (West 2015). However, the deferral process only allows for protection from prostitution charges and still allows the victim to be placed on probation and be put in mandatory counseling or drug treatment. § 750.451c.

authorities. States should also provide assistance to all victims with the trauma that they face from trafficking.

South Carolina could model its provision on the Model Law Against Trafficking in Persons, a United Nations document depicting what is considered to be the ideal law on human trafficking.<sup>160</sup> The document was meant to provide an example of human trafficking legislation to countries,<sup>161</sup> but certain provisions could be used to fill in gaps in the South Carolina legislation. In particular, Article 10 of the Model Rule states that, “[t]rafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons.”<sup>162</sup> If South Carolina adopted this language, then their current minimum safe harbor law would be expanded to protect all victims of human trafficking from being charged with any and all offenses that they are forced to take part in. If the model law was adopted in addition to the referral of services provisions located in Washington’s, Delaware’s, and New Jersey’s statutes, the South Carolina legislation would be exemplary and a model for other states.

### *C. Improve Other Existing Victim’s Assistance Laws*

Besides the inclusion of a safe harbor law, the other four categories of victim protection laws that Polaris Project looks for a state to include in its trafficking legislation are having a human trafficking hotline, victim assistance, access to civil damages, and vacating convictions for the victims of sex trafficking.<sup>163</sup> South Carolina has improved upon its victim’s assistance laws since the last Polaris Report by allowing trafficking to be an affirmative defense.<sup>164</sup> Safe harbor legislation allows a minor trafficking victim to present evidence of their trafficked status as a defense to the crime that he or she is charged with, as discussed before.<sup>165</sup> Similarly, affirmative defense legislation allows a trafficking victim to present evidence of their

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160. U.N. Office on Drugs & Crime, Model Law Against Trafficking in Persons, 1 (2009) [hereinafter Model Law].

161. *Id.* (citing U.N. Convention Against Transnational Organized Crime, 2225 U.N.T.S. 209 (Nov. 15, 2000)).

162. *Id.* at 32.

163. POLARIS, 2014 STATE RATINGS, *supra* note 107.

164. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016).

165. POLARIS, SAFE HARBOR, *supra* note 144.

trafficked status as a defense to the crime charged.<sup>166</sup> South Carolina legislation currently allows for trafficking victims to present duress or coercion, due to their status as a trafficking victim, as an affirmative defense to any crimes committed while trafficked that were directly or indirectly related to their trafficking.<sup>167</sup> Additionally, South Carolina's human trafficking legislation improved by creating a provision for vacating victim's convictions.<sup>168</sup> However, the South Carolina legislation can be further improved by widening the scope of the provision for the vacating of victim's convictions and creating a provision on caseworker privilege.

While the current South Carolina human trafficking legislation does include a provision to vacate the convictions of victims of human trafficking,<sup>169</sup> it can still be improved to provide relief to a wider scope of trafficking victims. South Carolina's provision on vacating convictions applies only to prostitution convictions or convictions for engaging in human trafficking.<sup>170</sup> Additionally, the victim's conviction will only be vacated on a finding that the victim's "participation in the offense was a direct result of being a victim."<sup>171</sup> Although the provision allowing for the vacating of trafficking victim's convictions for prostitution or human trafficking offenses is an improvement, South Carolina should extend their legislation to vacate the convictions of any crime that the defendant committed as a result of their status as a trafficking victim.<sup>172</sup> In other words, victims of any type of trafficking should be protected from being punished for any crimes that they committed while under the coercion or duress of being trafficked. Thus, victims of sex trafficking should have their convictions for prostitution vacated, and likewise, victims of forced labor should have convictions for drug distribution, theft, or any other crime they were forced to commit vacated.

Victim assistance laws should also include the human trafficking caseworker privilege, which protects a victim's ability and willingness to pursue services and assistance that he or she needs in a secure and

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166. POLARIS, HUMAN TRAFFICKING ISSUE BRIEF: VICTIM ASSISTANCE 2 (2015) [hereinafter POLARIS, VICTIM ASSISTANCE].

167. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016).

168. *Id.*

169. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016).

170. *Id.*

171. *Id.*

172. South Carolina's legislation does allow for victims to present the duress defense during a trial for the offense they have been charged with. S.C. CODE ANN. § 16-3-2020(J) (Supp. 2016).

confidential manner.<sup>173</sup> This allows for victims and their caseworkers to build a trusting relationship and is based on states' domestic violence caseworker's privilege.<sup>174</sup> The current South Carolina legislation protects a victim's identity from being disclosed to the public by the defendant and protects the victim's identity during a criminal prosecution.<sup>175</sup> However, there is no legislation that specifically protects a victim's right to a confidential relationship with a caseworker. South Carolina could model a caseworker privilege law off of the current California legislation. The California legislation states:

(a) A trafficking victim, whether or not a party to the action, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a human trafficking caseworker if the privilege is claimed by any of the following persons:

(1) The holder of the privilege.

(2) A person who is authorized to claim the privilege by the holder of the privilege.

(3) The person who was the human trafficking caseworker at the time of the confidential communication. However, that person may not claim the privilege if there is no holder of the privilege in existence or if he or she is otherwise instructed by a person authorized to permit disclosure. The human trafficking caseworker who received or made a communication subject to the privilege granted by this article shall claim the privilege whenever he or she is present when the communication is sought to be disclosed and he or she is authorized to claim the privilege under this section.

(b) A human trafficking caseworker shall inform a trafficking victim of any applicable limitations on confidentiality of communications between the victim and the caseworker. This information may be given orally.<sup>176</sup>

South Carolina can also look to California's human trafficking legislation, which defines caseworkers and confidential communication for the purposes of human trafficking.<sup>177</sup> Caseworker is defined as a person who

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173. POLARIS, VICTIM ASSISTANCE, *supra* note 166.

174. *Id.*

175. S.C. CODE ANN. § 16-3-2070 (2015).

176. CAL. EVID. CODE § 1038 (West 2009).

177. CAL. EVID. CODE § 1038.2 (West Supp. 2016).



is employed by an organization to assist trafficking victims, or by an organization that offers the same fundamental services as a domestic violence shelter.<sup>178</sup> To qualify as a caseworker, the person must have either a master's degree or higher degree in counseling or have received forty hours of training and be monitored by a supervisor with at least a master's degree in counseling.<sup>179</sup> Confidential communication is a disclosure between the caseworker and victim, but a third person may be present if necessary for the interests of the victims.<sup>180</sup> Additionally, the disclosure must be made "in the course of their relationship . . . includ[ing] all information regarding the facts and circumstances involving all incidences of human trafficking."<sup>181</sup> Codifying California's legislation into the South Carolina legislation would protect victims' ability and willingness to seek services and assistance to deal with their trauma.

*D. Incorporate More Training of Judges, Officials, Police Officers, and Other Officials into the SC Human Trafficking Law*

*1. Training Judges, Officials, and Police Officers*

In the South Carolina human trafficking legislation, there is a section creating the South Carolina Human Trafficking Task Force.<sup>182</sup> One of the specified mandates of the task force is that it must consider requiring training for "law enforcement agencies, prosecutors, and other relevant officials in addressing trafficking in persons."<sup>183</sup> The task force has considered training these officials in the South Carolina State Plan to Address Trafficking, which states that training the indicated officials is necessary to "effectively investigate and prosecute human trafficking."<sup>184</sup> Police officers need to be trained to know the signs of human trafficking,<sup>185</sup> when to charge a defendant with trafficking, and how to work with victims,

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178. CAL. EVID. CODE § 1038.2(b) (West Supp. 2016).

179. *Id.*

180. CAL. EVID. CODE § 1038.2(c) (West 2009).

181. *Id.*

182. S.C. CODE ANN. § 16-3-2050 (2015).

183. S.C. CODE ANN. § 16-3-2050(E)(7) (2015).

184. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 44.

185. There are many varying signs of trafficking including, but not limited to, unusually long work hours, not being allowed breaks, poor mental health, poor physical health, signs of sexual abuse, lack of control, few personal possessions, not being allowed to speak for himself or herself, and numerous inconsistencies in his or her story. *Recognize the Signs*, POLARIS, <https://polarisproject.org/recognize-signs> (last visited Feb. 11, 2017).

especially those victims that do not wish to cooperate.<sup>186</sup> Judges need training to learn the trafficking law, what to expect from victims, and how to make a trafficking case run smoothly.<sup>187</sup> Likewise, prosecutors need educational training in the law to give them the confidence to bring a case under the trafficking law, instead of using other statutes like prostitution or kidnapping.<sup>188</sup>

For these reasons, the Task Force recommended that training should be provided for prosecutors through the South Carolina Commission on Prosecution Coordination, for police officers in a two-hour segment at the South Carolina Criminal Justice Academy, and for judges through the South Carolina Court Administration.<sup>189</sup> These recommendations should be adopted and codified into South Carolina law, South Carolina regulations, or standards that police officers, prosecutors, or judges are required to meet to keep or receive their positions.<sup>190</sup> With additional training, officials will be more prepared at every stage of a criminal prosecution or civil case when faced with trafficking. This is particularly important for South Carolina prosecutors, who up to this point have very few cases to look to as an example of the legislation in use and who may shy away from the virtually untested law.<sup>191</sup> Even after 2016's vast increase in the number of human trafficking cases, the law virtually remains untested as a majority of cases have not actually proceeded to trial.<sup>192</sup>

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186. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 44.

187. *Id.*

188. *Id.* at 45 (citing FARRELL, ET AL., *supra* note 95, at 155–68).

189. SOUTH CAROLINA STATE PLAN, *supra* note 9, at 45–46.

190. Trainings have been offered by several members of the South Carolina Human Trafficking Task Force to “law enforcement legal professionals, and other interested parties.” 2016 ANNUAL REPORT, *supra* note 102, at 16–21, 26. However, these trainings do not seem to be mandatory for all judges, prosecutors, and law enforcement officers.

191. See SOUTH CAROLINA STATE PLAN, *supra* note 9, at 45 (citing Kelly Heinrich & Kavith Sreeharsha, *The State of State Human-Trafficking Laws*, 52 THE JUDGES’ J. (Winter 2013), [http://www.americanbar.org/publications/judges\\_journal/2013/winter/the\\_state\\_of\\_state\\_humantrafficking\\_laws.html](http://www.americanbar.org/publications/judges_journal/2013/winter/the_state_of_state_humantrafficking_laws.html)).

192. 2016 ANNUAL REPORT, *supra* note 102, at 6 (showing that thirty-one percent of cases were closed because defendants “pled to other charges” and twenty-three percent of cases closed because the “case involved federal prosecution”). Additionally, the 2016 report does not inform what percent of the remaining forty-six percent of cases ending with guilty convictions under the human trafficking law resulted from guilty pleas and what percentage were jury convictions following a trial. See 2016 ANNUAL REPORT, *supra* note 102, at 6.

## 2. *Training Law Enforcement Officers and Prosecutors to Read Police Reports for Signs of Trafficking*

Part of the training that should be codified into law or included in regulations is training law enforcement officers and prosecutors to read police reports for signs of trafficking. Due to the lack of statistics and data on human trafficking in South Carolina,<sup>193</sup> South Carolina needs trustworthy data and statistics on human trafficking in order to “craft an appropriate response.”<sup>194</sup> A recent study announced a method of inspecting police reports of prostitution, kidnapping, and abduction for signs of human trafficking.<sup>195</sup> This method resulted in the creation of the Human Trafficking Identification Template, which lists different indicators to use to identify trafficking victims, trafficking suspects, and scenes of trafficking.<sup>196</sup> The Human Trafficking Identification Template is a useful tool to analyze other incident reports and can also be used to identify locations where human trafficking is prevalent and where trafficking is underreported.<sup>197</sup>

Mandatory police officer training should include training on how to read police reports in light of the Human Trafficking Identification Template. The template provides police officers and other officials with a list of indicators that if present in the case will tell officers to investigate further to see if this is a possible human trafficking case.<sup>198</sup> This will make for a more effective investigation and could allow police officers to be sure in a decision to charge a suspect with trafficking rather than another related offense. Prosecutors should also learn to read police reports using the Human Trafficking Identification Template, as prosecutors are ultimately responsible for making the decision of what charge the defendant will face in court. If the prosecutor can see from the incident report that trafficking has been indicated, then they will feel more comfortable bringing a trafficking case to court. Additionally, the study’s methodology would help improve the lack of statistics for human trafficking in South Carolina and would give an idea of which areas in South Carolina have the worst

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193. Sazehn, *supra* note 6.

194. MARK SMALL ET AL., SC DEPT. OF PUBLIC SAFETY, IDENTIFYING POTENTIAL INSTANCES OF HUMAN TRAFFICKING REPORT TO THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY 1 (2015), [http://www.scdps.gov/ohsjp/stats/SpecialReports/Human\\_Trafficking\\_Report\\_20150630\\_final.pdf](http://www.scdps.gov/ohsjp/stats/SpecialReports/Human_Trafficking_Report_20150630_final.pdf).

195. *Id.* at 4.

196. *Id.* at 8–12.

197. *Id.* at 12.

198. *Id.* at 6.

trafficking records because older and current police reports could be studied using the template to determine if human trafficking was present.

3. *Training for Other People Who Have a Higher Risk of Seeing Trafficking in Their Work*

South Carolina Attorney General Wilson has advocated for providing at least some education about human trafficking to the public and special training on human trafficking to those who will have a greater chance of witnessing trafficking in the course of their work, beyond the traditional officials considered by the task force.<sup>199</sup> Wilson believes that extended attempts to educate people not involved with law enforcement to know what to do if or when they encounter human trafficking will further help the cause of preventing trafficking.<sup>200</sup> These should include attempts to teach the public, particularly certain professionals, to not only spot signals of human trafficking, but to also to cope with the situation appropriately.<sup>201</sup>

Wilson would specifically like to see training given to building inspectors, as there have been occasions when building inspectors have seen evidence of human trafficking in the course of their work, but the inspectors were not prepared to properly deal with the situation.<sup>202</sup> Evidence of human trafficking includes seeing a lot of movement to or from a building, windows that are never uncovered, strange noises, and in some cases, people have even seen unclothed women in a business.<sup>203</sup> Most often, the inspectors do not contact the police, and in cases where they do, the traffickers have often already moved their victims to another location before police could arrive.<sup>204</sup> Recent news stories suggest that those working in transportation would be another group of people that have a higher chance of witnessing human trafficking in the course of their work and, thus, would be prime candidates to receive training on the signs of human trafficking and how to react if one encounters trafficking.<sup>205</sup>

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199. See Conley, *supra* note 26.

200. See *id.*

201. See *id.*

202. See *id.*

203. *Id.* Randhawa, *supra* note 22.

204. See Conley, *supra* note 26.

205. See, e.g., Mary Bulman, *A Flight Attendant Saved a Teenage Girl from Human Trafficking After Seeing a Secret Note*, BUSINESS INSIDER (Feb. 6, 2017), <http://www.businessinsider.com/flight-attendant-saves-girl-from-human-trafficking-2017-2> (reporting how an airline flight attendant helped to save a teenage victim of human trafficking who was on her flight); Brian Latimer, *Uber Driver Saves 16 Year Old Girl From Sex*

With training, people can react with greater efficiency to the signs of trafficking and as a result more trafficking victims could be rescued from their traffickers.<sup>206</sup> Training for others with jobs likely to witness human trafficking should either be mandated into law or into regulations setting standards for on the job training that must be undertaken before a beginning a job.

*E. Inclusion of Preventative Measures into Human Trafficking Legislation*

The South Carolina human trafficking legislation should include measures to prevent trafficking.<sup>207</sup> The current South Carolina legislation is reactive.<sup>208</sup> This means that the law focuses on helping and locating victims after they have already been trafficked.<sup>209</sup> While this is undeniably of great significance, it would be beneficial to have a law that also focuses on preventing potential victims from ever being trafficked at all. The current human trafficking legislation does not attempt to create a preemptive or preventative procedure or structure.<sup>210</sup> This can easily be seen as the law's mandated research and data gathering is restricted to determining which populations have been affected by trafficking in the past and finding which courses and routes have typically been used by traffickers.<sup>211</sup> This data is certainly helpful, but this data is compiled after trafficking has already occurred.<sup>212</sup> Perhaps if the data and figures of all known potential areas with trafficking issues had been gathered in advance, South Carolina would have more information concerning the quantity of victims and would be better able to determine what groups are particularly vulnerable.<sup>213</sup>

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Trafficking, NBC NEWS (Dec. 29, 2016), <http://www.nbcnews.com/news/latino/uber-driver-saves-16-year-old-girl-sex-trafficking-n701241> (describing how an Uber driver overheard his passengers talking about delivering a young girl, who was also in the car, to a "John." The driver called the police, helping to save the victim from her traffickers).

206. See Conley, *supra* note 26.

207. Although many states have human trafficking prevention in the title, no state seems to have the type of preemptive strategy described here.

208. Swanner, *supra* note 28, at 272.

209. See *id.*

210. See *id.* at 271–79 (discussing House Bill 3757 in its latest form, which was signed into law by Governor Nikki Haley).

211. *Id.*

212. See S.C. CODE ANN. § 16-3-2050(E) (2015); Swanner, *supra* note 28, at 272.

213. Swanner, *supra* note 28, at 272.

If vulnerable groups had already been determined, then officers in these areas could be mandated to undergo more extensive training to recognize victims and legislators could budget funds to establish victim's assistance centers in the areas with vulnerable groups. Additionally, legislators might be convinced to create a provision for the use of investigative tools in areas with high levels of trafficking activity for inclusion in the human trafficking legislation.<sup>214</sup> If legislators know that officers have additional knowledge about the areas traffickers frequently take their victims, legislators may believe that officers' use of investigative tools can be appropriately and selectively used.

Although significant, data and research is not the main reason that the South Carolina human trafficking legislation is reactive instead of preemptive.<sup>215</sup> The real cause of the problem is that prevention of trafficking is not pressed or advanced.<sup>216</sup> Instead, the issue of prevention is for the most part ignored. Research on trafficking is mandated to be done by the current legislation,<sup>217</sup> but the law does not also mandate that changes be enforced for the protection of those living in those social and economic conditions proven to increase the likelihood of trafficking, including poverty, unemployment, and discrimination.<sup>218</sup> In part, these social issues can be solved for the purpose of child protection and trafficking prevention by increased education.<sup>219</sup>

South Carolina legislators can advance human trafficking prevention by mandating that information about human trafficking be taught in schools. Although common core educational standards were federally created, states were the ultimate decision makers and had to individually adopt the standards.<sup>220</sup> States are also responsible for deciding the type of sex

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214. Legislative provisions for the use of investigative tools are included in several states including New Jersey, Washington and Delaware. DEL. CODE ANN. tit. 11, § 1502(9) (2015); N.J. STAT. ANN. § 2C:41-1(a) (West 2015); WASH. REV. CODE ANN. § 9.73.230 (West 2011). *See also* POLARIS, DELAWARE REPORT, *supra* note 153, at 5; POLARIS, NEW JERSEY REPORT, *supra* note 152, at 4; POLARIS, WASHINGTON REPORT, *supra* note 154, at 4.

215. Swanner, *supra* note 28, at 272–73.

216. *Id.*

217. *See* S.C. CODE ANN. § 16-3-2050(E) (2015); Swanner, *supra* note 28, at 272.

218. Swanner, *supra* note 28, at 272.

219. *See id.* at 273.

220. Amy Golod, *Common Core: Myths and Facts*, US NEWS & WORLD REP. (Mar. 4, 2014), <http://www.usnews.com/news/special-reports/a-guide-to-common-core/articles/2014/03/04/common-core-myths-and-facts>.

education in their schools.<sup>221</sup> Just as states are responsible for choosing what is included in sex education and their standards, they should also be responsible for including education on human trafficking to their students. In particular, education on the importance of self-value and the dangers of sex trafficking, which could prevent children from becoming future victims of trafficking, would fit well into the South Carolina's sex education curricula. If given this education, children are not nearly as likely to be placed in situations where they would be susceptible to the risk of trafficking.<sup>222</sup> By including information on sex trafficking in sex education, South Carolina would virtually ensure students' and future lawyers', judges', and police officers' knowledge of the existing danger of trafficking, an invaluable preventative measure.

## V. CONCLUSION

Stating there is obvious room for improvement does not imply that the current South Carolina human trafficking law is unimportant or irrelevant. In actuality, the law has been extremely effective in enforcing the creation of the Human Trafficking Task Force, providing civil remedy for victims, greatly increasing public recognition of the issue, and providing a way for government agencies to work with other organizations who have greater knowledge of the issue of human trafficking.<sup>223</sup> This Note is not meant to disparage the current legislation, but it is meant to encourage South Carolina legislators and citizens to continue pressing for improvements to the human trafficking legislation that, thanks to the 2012 legislation, are within reach.

Despite the South Carolina human trafficking legislation's tier one rating, South Carolina legislators still have much room for improvement in the legislation. Legislators should enact and improve upon the legislation in several different ways. One area of improvement should be to include or improve provisions that protect all victims of human trafficking, not just certain subsets. South Carolina should include a prohibition on organ harvesting in its law alongside the already existing prohibitions on sex trafficking and forced labor. The current safe harbor law should expand to

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221. See *State Policies on Sex Education in Schools*, NAT'L CONFERENCE OF STATE LEGISLATURES (Feb. 16, 2016), <http://www.ncsl.org/research/health/state-policies-on-sex-education-in-schools.aspx>.

222. Swanner, *supra* note 28, at 273 (stating that teaching young girls the importance of self-value and showing that they have a bright future can help prevent them from situations where they are likely to be trafficked).

223. *Id.* at 274–79.

include services or referrals to services to victims, and it should include both minor and adult victims of any form of human trafficking. South Carolina can also work to protect all victims of trafficking by improving its victim assistance laws by widening the scope of the provision allowing victims to have convictions vacated and to include a provision on the human trafficking caseworker privilege.

South Carolina legislators should then move to mandate training for various professions. This can be done in part by following and codifying the recommendations of the South Carolina Human Trafficking Task Force about training requirements for judges, officials, and police officers, who will confront the difficulties involved with human trafficking cases in the course of their work. Mandatory training for prosecutors and law enforcement should include training on identifying human trafficking cases based off of police reports. Additionally, mandatory training should be provided to those in professions besides those included in the task force's recommendations who are likely to witness human trafficking in their work.

Lastly, South Carolina legislators should change the current human trafficking legislation to be more preemptive and preventative, rather than reactive. One way for South Carolina to become more preemptive is to include education on human trafficking in state's educational standards or during school sex education. This will allow for students, who are potential future victims, to be aware of the danger of trafficking. In particular, this education should be targeted towards at-risk areas, which can be determined by further research and the use of the Human Trafficking Identification Template.

These are the major areas of improvement that current and future South Carolina legislators can work on to improve anti-trafficking legislation. If South Carolina does press forward and continue to improve our human trafficking legislation, there is a chance that South Carolina can become a leader in the United States for anti-human trafficking legislation.



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